

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL LEWIS,

Plaintiff,

-against-

DR. ROBERT BENTIVEGNA, et al.,

Defendants.

7:25-CV-3632 (CS)

ORDER OF SERVICE

CATHY SEIBEL, United States District Judge:

Plaintiff Michael Lewis, who is currently incarcerated in the Green Haven Correctional Facility (“Green Haven”), a New York State Department of Corrections and Community Supervision (“DOCCS”) prison, brings this action *pro se* asserting claims of violations of his federal constitutional rights, seeking damages and other relief. He sues: (1) Dr. Robert Bentivegna, Green Haven’s former Facility Health Services Director; (2) Bobbi Tuohy, Green Haven’s former Superintendent; (3) Nurse Felix, a Green Haven nurse; (4) Nurse Alexandra, a Green Haven nurse; (5) Nurse Debby, a Green Haven nurse; and (6) “Nurse ‘H’,” an unidentified Green Haven nurse. The Court construes Plaintiff’s complaint as asserting claims under 42 U.S.C. § 1983.

By order dated June 12, 2025, the court granted Plaintiff’s request to proceed in forma pauperis (“IFP”), that is, without prepayment of fees.¹ By order dated July 29, 2025, the Court directed service on the identified defendants and directed the Attorney General of the State of New York to provide Plaintiff and the Court with the identity and the service address of “Nurse ‘H’.” On August 1, 2025, service on Defendant Bentivegna was returned unexecuted, and the

¹ Prisoners are not exempt from paying the full filing fee, even when they have been granted permission to proceed IFP. See 28 U.S.C. § 1915(b)(1).

Court was informed that Dr. Bentivegna no longer works at Green Haven, where service had been attempted.

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the Court in ascertaining an unidentified defendant's identity and that defendant's service address. 121 F.3d 72, 76 (2d Cir. 1997). It is therefore ordered that the Attorney General of the State of New York, who is the attorney for and agent of DOCCS, must ascertain the service address for Dr. Bentivegna and provide it to Plaintiff and the Court within 60 days of the date of this order. Once the Court has received this information, it will issue an order directing service on Dr. Bentivegna at the new address.

The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff. The Clerk of Court is also directed to mail a copy of this Order and the Complaint to the Attorney General of the State of New York, at 28 Liberty Street, New York, New York 10005.

SO ORDERED.

Dated: August 5, 2025
White Plains, New York

A handwritten signature in black ink that reads "Cathy Seibel". The signature is written in a cursive, flowing style.

CATHY SEIBEL
United States District Judge